

REMARKS

Claims 24 and 37 have been canceled. Claims 19 and 25 have been amended. New claims 38, 39 and 40 have been added. Claims 19 - 23, 25 - 36, and 38 - 40 are currently pending in the present application.

In the Office Action, claims 19, 21 - 25, 27, 28, and 31 - 37 are rejected under 35 U.S.C. §102(b) as being anticipated by Anderson US Patent No. 2,385,961. Additionally, in the Office Action, claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson US Patent No. 2,385,961 in view of Parera US Patent No. 3,733,749. Moreover, in the Office Action, claims 20, 26, and 30 are objected to but would be allowable if rewritten in independent form.

The Present Invention

The present invention relates to a refrigerator that, as exemplarily set forth in independent claim 19 as currently amended, for example, includes a housing having a door safety catch. As set forth in claim 19 as currently amended, the housing has at least two housing parts, including a body and at least one door, and the housing encloses a heat-insulated interior compartment. The door safety catch includes a catch element pivotably mounted against a restoring force on a first one of the body housing part or the door housing part and a projection mounted on a second one of the body housing part or the door housing part and cooperating with the catch element. The door safety catch further includes a shaft about which the catch element can be pivoted mounted in the first one of the body housing part or the door housing part, the shaft being mounted on a side wall of the first one of the body housing part or the door housing part in a configuration in which the shaft crosses a side wall of the first one of the body housing part or the door housing part.

In conventional door safety catches for refrigerators, a bearing is provided that itself is mounted to the refrigerator door or body and the shaft of the catch element is retained in this bearing. Considerable forces act on this bearing when opening and closing the refrigerator door. If the bearing is, in particular, configured as a plastic housing shell, the bearing can be damaged and even destroyed in extreme cases. On the other hand, the shaft of the catch element according

to the present invention is mounted so that it crosses a side surface of the respective door or body of the refrigerator on which the catch element is mounted, whereupon considerable forces acting on the shaft can be introduced into this respective door or body of the refrigerator and corresponding reduction in stresses on a housing shell can be achieved as well as a reduction of the mechanical loading capacity demands imposed on the housing shell.

The Rejection of Claims 19, 21 - 25, 27, 28, and 31 - 37 as Anticipated by Anderson US Patent No. 2,385,961

The Office Action rejects claims 19, 21 - 25, 27, 28, and 31 - 37 under 35 U.S.C. §102(b) as being anticipated by Anderson US Patent No. 2,385,961 for the reason that Anderson US Patent No. 2,385,961 allegedly discloses a refrigerator having the features recited in the rejected claims. Favorable reconsideration of claims 19, 21 - 23, 25, 27, 28, and 31 - 37 is respectfully requested in view of the cancellation of claims 24 and 37, the amendments of claims 19 and 25, and the following comments.

Anderson US Patent No. 2,385,961 discloses a refrigerator 1 having a door latch for releasably latching a door 7 to a keeper 2 that is secured at the front edge of the refrigerator. The latch construction concealed within the door is mounted upon the plate 14. It includes a housing of sheet metal having spaced parallel sides 24 integrally connected at their inner edges by an inner side 25 which is inclined at an acute angle to the general vertical plane of the door. The sides 24 of the housing at their outer edges are turned outwardly to provide flanges 26 with suitable slotted openings therein (Fig. 4) for the passage of screws for connection to the support plate.

Adjacent to what may be termed the inner ends of the sides 24 of said housing, a cross rod 27 is mounted, being riveted over at its ends and lying between the sides 24. A flat bar 28 is provided with a slot 29 adjacent its inner end, the rod 27 passing through said slot. In practice rod 27 is provided with spacing sleeves, the two innermost of which come at their adjacent ends against opposite sides of the bar 28. A rod 30 extends transversely through the opposite or outer end of the bar 28, having heads 31 at opposite ends at the outer sides of the sides 24 of the housing. Said shaft, at its end portions, passes through slots 32 made in the housing sides 24, said slots 32 being equal in length and parallel to the side 25 of the housing. On the shaft 30 at

each side of the bar 28 rollers 33 are mounted which are adapted to ride against the inner side of the housing side 25 and which, preferably, in practice will be formed integral with sleeves extending inwardly toward each other, the free ends of the sleeves coming against the opposite sides of the bar 28. The rollers 33 however are spaced at their outer sides a distance from the inner sides of the sides 24 of the housing and therefore are spaced from the heads 31. A relatively heavy coiled spring 34 is positioned around the bar 28, one end bearing against the rod 27 or the spacing sleeves thereon, and its opposite end against shoulders, as shown, near the outer end of said bar 28. Said spring normally tends to move the bar 28 to the left to the position shown in Fig. 1 or until stopped by the engagement of the rod 27 with the outer end of the slot 29.

The Office Action asserts on Page 2 that: “Anderson teaches a refrigerator (Fig. 1) comprising: a housing (1,7) having at least two housing parts, including a body (1) and at least one door (7) hinged to the body; the housing enclosing a heat-insulated interior compartment; the housing having a door safety catch (see Fig. 3) including a catch element (38,28,35) with two sloping faces (on 35 adjacent 38) pivotably mounted against a restoring force (spring 34,40) on a first housing part (the door and its features) and a projection (4-6) with two sloping faces (on 5 and 6) mounted on a second housing part (the body) cooperating with the catch element; and a shaft (27) about which the catch element can be pivoted mounted in the first housing part while crossing a side wall (top wall 24 or top wall of the door) of the first housing part. The catch element is located in the housing (in housing 24-26 of the first housing part/door and in the door housing) and also the projection is fixed on a door bearing (3). Furthermore, a section of said shaft (top end portion) engages a side wall (24) of the first housing part via a receiving portion (opening).”

It is respectfully submitted that Anderson US Patent No. 2,385,961 does not teach or disclose the refrigerator having a door safety catch of the present invention as recited in claim 19 as currently amended. For example, Anderson US Patent No. 2,385,961 does not teach or disclose a refrigerator having a shaft about which a catch element can be pivoted mounted in a body housing part or a door housing part, with the shaft being mounted on a side wall of this respective body housing part or door housing part in a configuration in which the shaft crosses a side wall of the respective body housing part or door housing part. The Office Action asserts that one of the sides 24 of the sheet metal housing of the latch of Anderson ‘961 is a “side wall”

as that term is recited in claim 19 as currently amended of the present application. However, the sides 24 of the sheet metal housing of the latch of Anderson '961 are not "walls" - i.e., these sides are not walls in that these sides do not form, with other walls, an enclosed area. Instead, the sides 24 of the sheet metal housing of the latch of Anderson '961 are formed as a pair of spaced, parallel sheet metal flanges and these sides 24 of Anderson '961, along with the remainder of the latch of Anderson '961, are mounted on a supporting plate 14 that extends behind an outer side 12 of the door 7 of the Anderson '961 refrigerator. The "shaft" 27 of the Anderson '961 refrigerator is mounted to the "door housing part" 7 by virtue of the "shaft" or rod 27 being retained in the sheet metal latch housing having the spaced parallel sides 24 and flanges 26 with this housing, in turn, being mounted to the door 7 via screws passed through slotted openings of the flanges 26 and the flanges 26 being mounted on the supporting plate 14. Thus, if one examines the actual "walls" of the door 7 of the Anderson '961 refrigerator - namely, the outer side 12 and inner plate 8 of the door 7, it is clear that the shaft or rod 27 of the latch is not mounted on this outer side 12 or on this inner plate 8 but is, instead, mounted to a structure that is not a wall - specifically, the supporting plate 14 - that in fact itself is located in an interior space bounded by "walls" - the outer side 12 and the inner plate 8.

For these and other reasons, it is submitted that the refrigerator recited in independent claim 19 as currently amended is not anticipated by Anderson US Patent No. 2,385,961 under 35 U.S.C. §102(b) and claim 19 is therefore allowable. Also, claims 21 - 23, 25, and 27, 28, and 31 - 36 depend ultimately from claim 19 and are allowable for the same reasons that claim 19 is allowable and also because they recite additional patentable subject matter.

The Rejection of Claim 29 Under 35 U.S.C. §103(a) as Unpatentable Over Anderson US Patent No. 2,385,961 in View of Parera US Patent No. 3,733,749

The Office Action rejects claim 29 under 35 U.S.C. §103(a) as being unpatentable over Anderson US Patent No. 2,385,961 in view of Parera US Patent No. 3,733,749. Favorable reconsideration of claim 29 is respectfully requested in view of the amendment of claim 19 from which claim 29 ultimately depends and the following comments.

As noted, Anderson US Patent No. 2,385,961 discloses a refrigerator having a door safety catch.

Parera US Patent No. 3,733,749 discloses reversible hinges between a door and a housing part.

It is respectfully submitted that neither Anderson US Patent No. 2,385,961 nor Parera US Patent No. 3,733,749, alone or in combination, teach or disclose the refrigerator having a door safety catch of the present invention. For example, Anderson US Patent No. 2,385,961 does not teach or disclose a refrigerator having a shaft about which a catch element can be pivoted mounted in a body housing part or a door housing part, with the shaft being mounted on a side wall of this respective body housing part or door housing part in a configuration in which the shaft crosses a side wall of the respective body housing part or door housing part. Parera US Patent No. 3,733,749 does not overcome the deficiencies of Anderson '961 and it is thus submitted that neither Anderson US Patent No. 2,385,961 nor Parera US Patent No. 3,733,749, alone or in combination, teach or disclose the refrigerator having a door safety catch of the present invention as recited in claim 29.

New Claims 38 - 40

It is also submitted that new claims 38 - 40, all of which ultimately depend from independent claim 19, patentably define over the prior art of record. New claim 38 recites that, in the refrigerator recited in claim 19, the first one of the body housing part or the door housing part includes a front wall and a rear wall that define therebetween an intermediate space and the side wall of the first one of the body housing part or the door housing part extends between and is connected to the front wall and the rear wall of the first one of the body housing part or the door housing part. Neither Anderson '961 nor Parera US Patent No. 3,733,749, for example, teaches or discloses a door safety catch for a refrigerator wherein a shaft is mounted on a side wall of a body housing part or a door of the refrigerator. Also, new claim 39 recites the additional features that, in the refrigerator as recited in claim 38, the side wall of the first one of the body housing part or the door housing part delimits a portion of the exterior of the first one of the body housing part or the door housing part, the shaft has a predetermined length formed of a major portion and a minor portion having a smaller length than the major portion, the catch element is pivotally mounted on the shaft such that the major portion of the shaft extends outwardly beyond one side of the catch element, and the major portion of the shaft extends into

the side wall of the first one of the body housing part or the door housing part. Furthermore, new claim 40 recites the additional features that, in the refrigerator as recited in claim 39, insulating material is disposed in the intermediate space defined between the front wall and the rear wall of the first one of the body housing part or the door housing part and the side wall, the front wall, and the rear wall of the first one of the body housing part or the door housing part together form a barrier that prevents migration of insulating material exteriorly of the first one of the body housing part or the door housing part.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 19 - 23, 25 - 36, and 38 - 40 in addition to the already indicated allowance of claims 20, 26, and 30, is respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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